

USSN 10/522,215
Attorney Docket No. 65321(54558)

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OCT 12 2006

REMARKS

Claims 28-59 are pending in the application, with claims 38-40 and 42 withdrawn from consideration. Claim 48 has been amended. Accordingly, claims 28-59 will remain pending in the application upon entry of the amendments and presented herein.

Claim 48 has been amended to exclude antibody proteins. Support for the amendment to claim 48 can be found in the specification and claims as originally filed. Unless otherwise specified, reference herein to a specification page number refers to the specification published as WO 2004/006966 (PCT/IB2003/002785).

In particular, support for the amendment of claim 48 can be found in the specification at least, for example, on page 5, line 18 (disclosing an antibody as one of a number of suitable mammalian proteins). *See also* MPEP 2173.05(i) (providing for exclusion of an element recited in a claim where Applicant has positively recited that element as one of a number of alternative elements in the specification). Accordingly, claim 48, as amended herein, and claims 49-59 dependent thereon, do not encompass an antibody.

Amendment of the claim 48 should in no way be construed as an acquiescence to any of the rejections set forth in the May 30, 2006 Office Action or any previous office action, and was done solely to expedite prosecution. Applicant reserves the right to pursue the claims as originally filed in this or one or more separate applications. No new matter has been added.

Examiner Interview

Applicant wishes to thank Examiner Lukton for the very helpful telephonic interview with the undersigned and Dr. Robert L. Buchanan on October 12, 2006. During the interview, the Amendment and Response filed on August 29, 2006 was discussed. Based on Examiner Lukton's review of the Amendment and Response and his comments during the interview, it appears that the claim amendments and arguments presented in the Amendment and Response have overcome the rejection of claims 28-37, 40, 41 and 43-47 under 35 USC § 112, second paragraph, and the rejection of claims 28-32, 34, 40, 41, and 43 under 35 USC § 103 as set forth in the Office Action mailed May 30, 2006. Examiner Lukton confirmed that claims 33, 35, 36 and 44-47 were not subject to the rejection under 35 USC § 103. Examiner Lukton also confirmed that a certified copy of the priority document, Greek Patent Application No. 20020100335 (as filed on July 16, 2002), had been received by the Patent

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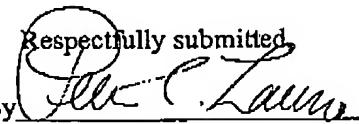
Office and was of record in the official file. Examiner Lukton indicated he would make a note to acknowledge the claim for priority to Greek Patent Application No. 20020100335 in his next communication.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of all rejections and allowance of the application with all pending claims. In the event the Office finds one or more of the present claims allowable, Applicant requests that the art of record be considered in view of full breadth of the claims; i.e., not just the species elected by Applicant, for instance, testosterone-3-(O-carboxymethyl oxime)/HSA and taxol as the cytoskeletal acting drug (CAD). If a telephone conversation with Applicant's attorney would help expedite the prosecution of the application, Examiner Lukton is urged to call the undersigned attorney at (617) 517-5509.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 65321(54558).

Dated: October 12, 2006

Respectfully submitted,
By 
Peter C. Lauro, Esq.
Registration No.: 32,360
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 439-4444
Attorneys/Agents For Applicant